

Union Calendar No. 312

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 3494**

[Report No. 105-557]

**A BILL**

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

JUNE 3, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1998

Mr. MCCOLLUM (for himself, Ms. DUNN, Ms. PRYCE of Ohio, Ms. GRANGER, Mrs. NORTHUP, Mrs. FOWLER, Mr. FRANKS of New Jersey, Mr. FOLEY, Mr. CUNNINGHAM, Mr. DEAL of Georgia, Mr. RAMSTAD, Mr. BARR of Georgia, Mr. CHABOT, Mr. DIAZ-BALART, Mr. GUTKNECHT, and Mr. LAMPSON) introduced the following bill; which was referred to the Committee on the Judiciary

JUNE 3, 1998

Additional sponsors: Mr. ENSIGN, Mr. ENGLISH of Pennsylvania, Mr. CALVERT, Mrs. KELLY, Mr. NETHERCUTT, Mr. HASTERT, Ms. LOFGREN, Mr. MCINNIS, Mr. TALENT, and Mr. PAPPAS

JUNE 3, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 18, 1997]

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## A BILL

To amend title 18, United States Code, with respect to violent sex crimes against children, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Child Protection and*  
 5 *Sexual Predator Punishment Act of 1998”.*

6 **TITLE I—PROTECTING CHIL-**  
 7 **DREN FROM SEXUAL PREDA-**  
 8 **TORS AND COMPUTER POR-**  
 9 **NOGRAPHY**

10 **SEC. 101. CONTACTING MINORS FOR SEXUAL PURPOSES.**

11 *Section 2422 of title 18, United States Code, is amend-*  
 12 *ed by adding at the end the following:*

13 *“(c) Whoever, using the mail or any facility or means*  
 14 *of interstate or foreign commerce, or within the special mar-*  
 15 *itime and territorial jurisdiction of the United States—*

16 *“(1) knowingly contacts an individual who has*  
 17 *not attained the age of 18 years; or*

18 *“(2) knowingly contacts an individual, who has*  
 19 *been represented to the person making the contact as*  
 20 *not having attained the age of 18 years;*

21 *for the purposes of engaging in any sexual activity, with*  
 22 *a person who has not attained the age of 18 years, for which*  
 23 *any person may be criminally prosecuted, or attempts to*  
 24 *do so, shall be fined under this title or imprisoned not more*  
 25 *than 5 years, or both. It is a defense to a prosecution for*

1 *an offense under this section that the sexual activity is pros-*  
 2 *ecutable only because of the age of the individual contacted,*  
 3 *the individual contacted had attained the age of 12 years,*  
 4 *and the defendant was not more than 4 years older than*  
 5 *the individual contacted.”.*

6 **SEC. 102. TRANSFER OF OBSCENE MATERIAL TO MINORS.**

7 (a) *IN GENERAL.*—Chapter 71 of title 18, United  
 8 States Code, is amended by adding at the end the following:

9 **“§ 1470. Transfer of obscene material to minors**

10 “Whoever, using the mail or any facility or means of  
 11 interstate or foreign commerce—

12 “(1) knowingly transfers obscene matter to an  
 13 individual who has not attained the age of 18 years,  
 14 or attempts to do so; or

15 “(2) knowingly transfers obscene matter to an  
 16 individual who has been represented to the transferor  
 17 as not having attained the age of 18 years;

18 shall be fined under this title or imprisoned not more than  
 19 5 years, or both.”.

20 (b) *CLERICAL AMENDMENT.*—The table of sections at  
 21 the beginning of chapter 71 of title 18, United States Code,  
 22 is amended by adding at the end the following new item:

“1470. Transfer of obscene material to minors.”.

1 **SEC. 103. INCREASED PRISON SENTENCES FOR ENTICE-**  
2 **MENT OF MINORS.**

3 *Section 2422 of title 18, United States Code, is amend-*  
4 *ed—*

5 *(1) in subsection (a), by adding at the end “If*  
6 *the individual had not attained the age of 18 years*  
7 *at the time of the offense, the maximum imprison-*  
8 *ment for an offense under this subsection is 10*  
9 *years.”; and*

10 *(2) in subsection (b), by striking “10” and in-*  
11 *serting “15”.*

12 **SEC. 104. ADDITIONAL JURISDICTIONAL BASE FOR PROS-**  
13 **ECUTION OF PRODUCTION OF CHILD POR-**  
14 **NOGRAPHY.**

15 *(a) USE OF A CHILD.—Subsection (a) of section 2251*  
16 *of title 18, United States Code, is amended by inserting*  
17 *“if such visual depiction was produced with materials that*  
18 *had been mailed, shipped, or transported in interstate or*  
19 *foreign commerce by any means, including a computer,”*  
20 *before “or if”.*

21 *(b) ALLOWING USE OF A CHILD.—Subsection (b) of*  
22 *section 2251 of title 18, United States Code, is amended*  
23 *by inserting “, if such visual depiction was produced with*  
24 *materials that had been mailed, shipped, or transported in*  
25 *interstate or foreign commerce by any means, including a*  
26 *computer,” before “or if”.*

1 **SEC. 105. INCREASED PENALTIES FOR CERTAIN ACTIVITIES**  
 2 **RELATING TO MATERIAL INVOLVING THE**  
 3 **SEXUAL EXPLOITATION OF MINORS OR CHILD**  
 4 **PORNOGRAPHY AND TECHNICAL CORREC-**  
 5 **TION.**

6 (a) *INCREASED PENALTIES IN SECTION 2252.*—Sec-  
 7 *tion 2252(b) of title 18, United States Code, is amended—*

8 (1) *in each of paragraphs (1) and (2), by strik-*  
 9 *ing “or chapter 109A” and inserting “, chapter 109A,*  
 10 *or chapter 117”; and*

11 (2) *in paragraph (2), by inserting “the offense*  
 12 *consisted of the possession of 50 or more items of the*  
 13 *sort described in subsection (a)(4) or” after “if”.*

14 (b) *INCREASED PENALTIES IN SECTION 2251(d).*—Sec-  
 15 *tion 2251(d) of title 18, United States Code, is amended*  
 16 *by striking “or chapter 109A” each place it appears and*  
 17 *inserting “, chapter 109A, or chapter 117”.*

18 (c) *INCREASED PENALTIES IN SECTION 2252A.*—Sec-  
 19 *tion 2252A(b)(2) of title 18, United States Code, is amended*  
 20 *by inserting “the offense consisted of the possession of 50*  
 21 *or more images of the sort described in subsection (a)(4)*  
 22 *or” after “if”.*

23 (d) *TECHNICAL CORRECTION.*—Section 2252(a) of title  
 24 18, United States Code, is amended so that paragraph (4)  
 25 reads as follows:

26 “(4) either—

1           “(A) in the special maritime and territorial  
2           jurisdiction of the United States, or on any land  
3           or building owned by, leased to, or otherwise  
4           used by or under the control of the Government  
5           of the United States, or in the Indian country  
6           (as defined in section 1151 of this title), know-  
7           ingly possesses—

8                   “(i) 3 or more books, magazines, peri-  
9                   odicals, computer disks, films, video tapes,  
10                  or other matter that contain any visual de-  
11                  piction, if—

12                           “(I) the producing of such visual  
13                           depiction involves the use of a minor  
14                           engaging in sexually explicit conduct;  
15                           and

16                           “(II) such visual depiction is of  
17                           such conduct; or

18                           “(ii) any book, magazine, periodical,  
19                           computer disk, film, videotape, computer  
20                           disk, or any other material that contains 3  
21                           or more visual depictions, if—

22                           “(I) the producing of each visual  
23                           depiction involves the use of a minor  
24                           engaging in sexually explicit conduct;  
25                           and

1                   “(II) each visual depiction is of  
2                   such conduct; or

3                   “(B) knowingly possesses—

4                   “(i) 3 or more books, magazines, peri-  
5                   odicals, computer disks, films, video tapes,  
6                   or other matter that contain any visual de-  
7                   piction that has been mailed, or has been  
8                   shipped or transported in interstate or for-  
9                   eign commerce, or which was produced  
10                  using materials which have been mailed or  
11                  so shipped or transported, by any means in-  
12                  cluding by computer, if—

13                  “(I) the producing of such visual  
14                  depiction involves the use of a minor  
15                  engaging in sexually explicit conduct;  
16                  and

17                  “(II) such visual depiction is of  
18                  such conduct; or

19                  “(ii) any book, magazine, periodical,  
20                  computer disk, film, videotape, computer  
21                  disk, or any other material that contains 3  
22                  or more visual depictions, if—

23                  “(I) the producing of each visual  
24                  depiction involves the use of a minor



1 *engaging in sexually explicit conduct;*  
 2 *and*  
 3 *“(II) each visual depiction is of*  
 4 *such conduct;”.*

5 **SEC. 106. CRIMINAL FORFEITURE FOR SOLICITATION OF MI-**  
 6 **NORS AND INTERSTATE PROSTITUTION.**

7 *Section 2253(a) of title 18, United States Code, is*  
 8 *amended by inserting “, or who is convicted of an offense*  
 9 *under section 2421, 2422, 2423, 2252A, or 2260 of this*  
 10 *title,” after “2252 of this chapter” in the matter preceding*  
 11 *paragraph (1).*

12 **SEC. 107. PRETRIAL DETENTION OF CHILD SEX OFFEND-**  
 13 **ERS.**

14 *Subparagraph (C) of section 3156(a)(4) of title 18,*  
 15 *United States Code, is amended to read as follows:*

16 *“(C) any felony under chapter 109A, 110,*  
 17 *or 117; and”*

18 **SEC. 108. INCREASED PRISON SENTENCES.**

19 *Subsection (b) of section 2422 of title 18, United States*  
 20 *Code, is amended by adding at the end the following: “If*  
 21 *in the course of committing the offense under this sub-*  
 22 *section, the defendant used a computer to transmit a com-*  
 23 *munication to the minor, the minimum term of imprison-*  
 24 *ment for the offense under this subsection is 3 years.”.*

1 **SEC. 109. REPEAT OFFENDERS IN TRANSPORTATION OF-**  
 2 **FENSE.**

3 (a) *GENERALLY.*—Chapter 117 of title 18, United  
 4 States Code, is amended by adding at the end the following:

5 **“§2425. Repeat offenders**

6 “(a) *The maximum term of imprisonment for a viola-*  
 7 *tion of this chapter after a prior sex offense conviction shall*  
 8 *be twice the term otherwise provided by this chapter.*

9 “(b) *As used in this section, the term ‘prior sex offense*  
 10 *conviction’ means a conviction for an offense—*

11 “(1) *under this chapter or chapter 109A or 110;*  
 12 *or*

13 “(2) *under State law for an offense consisting of*  
 14 *conduct that would have been an offense under a*  
 15 *chapter referred to in paragraph (1) if the conduct*  
 16 *had occurred within the special maritime and terri-*  
 17 *torial jurisdiction of the United States or in any Ter-*  
 18 *ritory or Possession of the United States.”.*

19 (b) *CLERICAL AMENDMENT.*—The table of sections at  
 20 the beginning of chapter 117 of title 18, United States Code,  
 21 is amended by adding at the end the following new item:

“2425. Repeat offenders.”.

22 **SEC. 110. DEFINITION AND ADDITION OF ATTEMPT OF-**  
 23 **FENSE.**

24 (a) *DEFINITION.*—

1           (1) *GENERALLY.*—Chapter 117 of title 18,  
 2       *United States Code*, is amended by adding at the end  
 3       *the following:*

4       **“§ 2426. Definition for chapter**

5           *“For the purposes of this chapter, sexual activity for*  
 6       *which any person can be charged with a criminal offense*  
 7       *includes the production of child pornography, as defined in*  
 8       *section 2256(8).”.*

9           (2) *CLERICAL AMENDMENT.*—The table of sec-  
 10       *tions at the beginning of chapter 117 of title 18,*  
 11       *United States Code*, is amended by adding at the end  
 12       *the following new item:*

*“2426. Definition for chapter.”.*

13       (b) *ATTEMPT OFFENSE.*—Section 2422(a) of title 18,  
 14       *United States Code*, is amended by inserting “or attempts  
 15       to do so,” after “criminal offense,”.

16       **SEC. 111. USE OF INTERSTATE FACILITIES TO TRANSMIT**  
 17                       **IDENTIFYING INFORMATION ABOUT A MINOR**  
 18                       **FOR CRIMINAL SEXUAL PURPOSES.**

19       (a) *IN GENERAL.*—Chapter 110 of title 18, *United*  
 20       *States Code*, is amended by adding at the end the following:

21       **“§ 2260A. Use of interstate facilities to transmit infor-**  
 22                       **mation about a minor**

23           *“Whoever, using the mail or any facility or means of*  
 24       *interstate or foreign commerce, or within the special mari-*  
 25       *time and territorial jurisdiction of the United States, know-*

1 *ingly transmits, prints, publishes, or reproduces, or causes*  
 2 *to be transmitted, printed, published, or reproduced, the*  
 3 *name, address, telephone number, electronic mail address,*  
 4 *or other identifying information of an individual who has*  
 5 *not attained the age of 18 years for the purposes of facilitat-*  
 6 *ing, encouraging, offering, or soliciting any person to en-*  
 7 *gage in any sexual activity for which any person may be*  
 8 *criminally prosecuted, or attempts to do so, shall be fined*  
 9 *under this title or imprisoned not more than 5 years, or*  
 10 *both.”.*

11 *(b) CLERICAL AMENDMENT.—The table of sections at*  
 12 *the beginning of such chapter is amended by adding at the*  
 13 *end the following new item:*

*“2260A. Use of interstate facilities to transmit information about a minor.”.*

14 ***TITLE II—PUNISHING SEXUAL***  
 15 ***PREDATORS***

16 ***SEC. 201. SENTENCING ENHANCEMENT IN SECTION 2423***  
 17 ***CASES.***

18 *(a) IN GENERAL.—Pursuant to its authority under*  
 19 *section 994(p) of title 28, United States Code, the United*  
 20 *States Sentencing Commission shall review and amend the*  
 21 *sentencing guidelines to provide a sentencing enhancement*  
 22 *for any offense listed in section 2423 of title 18, United*  
 23 *States Code.*

24 *(b) INSTRUCTION TO COMMISSION.—The Sentencing*  
 25 *Commission shall ensure that the sentences, guidelines, and*

1 *policy statements for offenders convicted of offenses de-*  
 2 *scribed in subsection (a) are appropriately severe and rea-*  
 3 *sonably consistent with other relevant directives and with*  
 4 *other guidelines.*

5 **SEC. 202. INCREASED PENALTIES FOR TRANSPORTATION**  
 6 **OF MINORS OR ASSUMED MINORS FOR ILLE-**  
 7 **GAL SEXUAL ACTIVITY AND RELATED CRIMES.**

8 *Section 2423 of title 18, United States Code, is amend-*  
 9 *ed to read as follows:*

10 **§“2423. Transportation of minors and assumed mi-**  
 11 **nors**

12 *“(a) TRANSPORTATION WITH INTENT TO ENGAGE IN*  
 13 *CRIMINAL SEXUAL ACTIVITY.—A person who knowingly—*

14 *“(1) transports an individual who has not at-*  
 15 *tained the age of 18 years; or*

16 *“(2) transports an individual who has been rep-*  
 17 *resented to the person doing that transportation as*  
 18 *not having attained the age of 18 years;*

19 *in interstate or foreign commerce, or in any Territory or*  
 20 *Possession of the United States, with intent that the indi-*  
 21 *vidual engage in prostitution, or in any sexual activity for*  
 22 *which any person can be charged with a criminal offense,*  
 23 *shall be fined under this title or imprisoned not more than*  
 24 *15 years, or both.*

1       “(b) *TRAVEL WITH INTENT TO ENGAGE IN SEXUAL*  
 2 *ACT WITH A JUVENILE.*—A person who travels in interstate  
 3 commerce, or conspires to do so, or a United States citizen  
 4 or an alien admitted for permanent residence in the United  
 5 States who travels in foreign commerce, or conspires to do  
 6 so, for the purpose of engaging in any sexual activity, with  
 7 another person who has not attained the age of 18 years  
 8 or who has been represented to the traveler or conspirator  
 9 as not having attained the age of 18 years, for which any  
 10 person can be charged with a criminal offense, shall be fined  
 11 under this title, imprisoned not more than 15 years, or  
 12 both.”.

13 **SEC. 203. INCREASED PENALTIES FOR ABUSIVE SEXUAL**  
 14 **CONTACT.**

15       Section 2244 of title 18, United States Code, is amend-  
 16 ed by adding at the end the following:

17       “(c) *OFFENSES INVOLVING YOUNG CHILDREN.*—If the  
 18 sexual contact that violates this section is with an individ-  
 19 ual who has not attained the age of 12 years, the maximum  
 20 term of imprisonment that may be imposed for the offense  
 21 shall be twice that otherwise provided in this section.”.

22 **SEC. 204. PUNISHMENT FOR REPEAT OFFENDERS.**

23       Section 2241 of title 18, United States Code, is amend-  
 24 ed by inserting after subsection (d) the following:

1       “(e) *PUNISHMENT FOR REPEAT OFFENDERS.*—(1)

2       *Whoever has twice previously been convicted of a serious*

3       *State or Federal sex crime and who—*

4               “(A) *violates this section; or*

5               “(B) *in a circumstance described in paragraph*

6       *(2) of this subsection, engages in conduct that would*

7       *have violated this section if the conduct had occurred*

8       *in the special maritime and territorial jurisdiction of*

9       *the United States;*

10       *shall be imprisoned for life.*

11       “(2) *The circumstance referred to in paragraph (1) of*

12       *this subsection is that—*

13               “(A) *the person engaging in such conduct trav-*

14       *eled in interstate or foreign commerce or used the*

15       *mail or any facility or means of interstate or foreign*

16       *commerce in furtherance of the offense; or*

17               “(B) *such conduct occurs in or affects interstate*

18       *or foreign commerce and would have violated this sec-*

19       *tion if the conduct had occurred in the special mari-*

20       *time and territorial jurisdiction of the United States.*

21       “(f) *SERIOUS STATE OR FEDERAL SEX CRIME.*—*For*

22       *the purposes of subsections (e) and (f), the term serious*

23       *State or Federal sex crime means a State or Federal offense*

24       *for conduct which—*

1           “(1) is an offense under this section or section  
2       2242 of this title; or

3           “(2) would have been an offense under either of  
4       such sections if the offense had occurred in the special  
5       maritime or territorial jurisdiction of the United  
6       States.”.

7       **SEC. 205. REPEAT OFFENDERS IN SEXUAL ABUSE CASES.**

8       Section 2247 of title 18, United States Code, is amend-  
9       ed to read as follows:

10      **“§2247. Repeat offenders**

11          “(a) The maximum term of imprisonment for a viola-  
12       tion of this chapter after a prior sex offense conviction shall  
13       be twice the term otherwise provided by this chapter.

14          “(b) As used in this section, the term ‘prior sex offense  
15       conviction’ has the meaning given that term in section  
16       2425.”.

17      **SEC. 206. CIVIL REMEDY FOR PERSONAL INJURIES RESULT-**  
18                               **ING FROM CERTAIN SEX CRIMES AGAINST**  
19                               **CHILDREN.**

20       Section 2255(a) of title 18, United States Code, is  
21       amended by striking “2251 or 2252” and inserting  
22       “2241(c), 2243, 2251, 2252, 2421, 2422, or 2423”.



1 **SEC. 207. ELIMINATION OF REDUNDANCY AND AMBIGU-**  
 2 **ITIES.**

3 (a) *REDUNDANCY.*—Section 2243(a) of title 18, United  
 4 States Code, is amended by striking “crosses a State line  
 5 with intent to engage in a sexual act with a person who  
 6 has not attained the age of 12 years, or”.

7 (b) *MAKING CONSISTENT LANGUAGE ON AGE DIF-*  
 8 *FERENTIAL.*—Section 2241(c) of title 18, United States  
 9 Code, is amended by striking “younger than that person”  
 10 and inserting “younger than the person so engaging”.

11 (c) *DEFINITION OF STATE.*—Section 2246 of title 18,  
 12 United States Code, is amended—

13 (1) in paragraph (5), by striking the period and  
 14 inserting a semicolon; and

15 (2) by adding a new paragraph as follows:

16 “(6) the term ‘State’ means a State of the United  
 17 States, the District of Columbia, and any common-  
 18 wealth, possession, or territory of the United States.”.

19 **SEC. 208. DEATH OR LIFE IN PRISON FOR CERTAIN OF-**  
 20 **FENSES WHOSE VICTIMS ARE CHILDREN.**

21 Section 3559 of title 18, United States Code, is amend-  
 22 ed by adding at the end the following:

23 “(d) *DEATH OR IMPRISONMENT FOR CRIMES AGAINST*  
 24 *CHILDREN.*—Notwithstanding any other provision of law,  
 25 a person who is convicted of a Federal offense that is a  
 26 serious violent felony (as defined in subsection (c)) or a vio-

1 lation of section 2251 shall, unless the sentence of death is  
 2 imposed, be sentenced to imprisonment for life, if the victim  
 3 of the offense is under 14 years of age, the victim dies as  
 4 a result of the offense, and the defendant, in the course of  
 5 the offense, engages in conduct described in section  
 6 3591(a)(2).”.

7 **TITLE III—FEDERAL INVESTIGA-**  
 8 **TIONS OF SEX CRIMES**  
 9 **AGAINST CHILDREN AND SE-**  
 10 **RIAL KILLERS**

11 **SEC. 301. ADMINISTRATIVE SUBPOENAS.**

12 (a) *IN GENERAL.*—Chapter 203 of title 18, United  
 13 States Code, is amended by adding at the end the following:

14 **“§ 3064. Administrative subpoenas**

15 “(a) *AUTHORIZATION OF USE.*—In an investigation of  
 16 an alleged violation of section 2241(c), 2243, 2421, 2422,  
 17 or 2423 of this title where a victim is an individual who  
 18 has not attained the age of 18 years, the Attorney General  
 19 may subpoena witnesses, compel the production of any  
 20 records (including books, papers, documents, electronic  
 21 data, and other tangible things which constitute or contain  
 22 evidence) which the Attorney General finds relevant or ma-  
 23 terial to the investigation. The attendance of witnesses and  
 24 the production of records may be required from any place  
 25 in any State or in any territory or other place subject to

1 *the jurisdiction of the United States at any designated place*  
2 *of hearing, except that a witness shall not be required to*  
3 *appear at any hearing more than 500 miles distant from*  
4 *the place where the witness was served with a subpoena.*  
5 *Witnesses summoned under this section shall be paid the*  
6 *same fees and commissions that are paid witnesses in the*  
7 *courts of the United States.*

8       “(b) *SERVICE.*—A subpoena issued under this section  
9 *may be served by any person designated in the subpoena*  
10 *to serve it. Service upon a natural person may be made*  
11 *by personal delivery of the subpoena to that person or by*  
12 *certified mail with return receipt requested. Service may*  
13 *be made upon a domestic or foreign corporation or upon*  
14 *a partnership or other unincorporated association which is*  
15 *subject to suit under a common name, by delivering the sub-*  
16 *poena to an officer, to a managing or general agent, or any*  
17 *other agent authorized by appointment or by law to receive*  
18 *service of process. The affidavit of the person serving the*  
19 *subpoena entered on a true copy thereof by the person serv-*  
20 *ing it shall be proof of service.*

21       “(c) *ENFORCEMENT.*—In the case of contumacy by or  
22 *the refusal to obey a subpoena issued to any person under*  
23 *this section, the Attorney General may invoke the aid of*  
24 *any court of the United States within the jurisdiction of*  
25 *which the investigation is carried on, or of which the person*

1 *is an inhabitant or in which the person carries on business*  
 2 *or may be found, to compel compliance with the subpoena.*  
 3 *The court may issue an order requiring the subpoenaed per-*  
 4 *son to appear before the Attorney General to produce*  
 5 *records, if so ordered, or to give testimony regarding the*  
 6 *matter under investigation. Any failure to obey the order*  
 7 *of the court may be punished by the court as contempt there-*  
 8 *of. All process in any such case may be served in any judi-*  
 9 *cial district in which such person may be found.”.*

10 (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 11 *the beginning of chapter 203 of title 18, United States Code,*  
 12 *is amended by adding at the end the following new item:*

*“3064. Administrative subpoenas.”.*

13 **SEC. 302. KIDNAPPING.**

14 (a) *24-HOUR RULE.*—*Section 1201(b) of title 18,*  
 15 *United States Code, is amended by adding at the end the*  
 16 *following: “However, the fact that the presumption under*  
 17 *this section has not yet taken effect does not preclude a Fed-*  
 18 *eral investigation of a possible violation of this section be-*  
 19 *fore the twenty-four hour period has ended.”.*

20 (b) *JURISDICTIONAL ELEMENTS.*—*Section 1201(a) of*  
 21 *title 18, United States Code, is amended—*

22 (1) *by striking “or” at the end of paragraph (4);*

23 *and*

24 (2) *by adding after paragraph (5) the following:*

1           “(6) the mail or any facility or means of inter-  
 2           state or foreign commerce is used in furtherance of the  
 3           offense; or

4           “(7) the offense affects interstate or foreign com-  
 5           merce, or would do so if the offense were con-  
 6           summated;”.

7           (c) *CLARIFICATION OF ELEMENT OF OFFENSE.*—Sec-  
 8           tion 1201(a) of title 18, United States Code, is amended  
 9           by inserting “, regardless of whether such person was alive  
 10          when transported across a State boundary provided the per-  
 11          son was alive when the transportation began” before the  
 12          semicolon at the end of paragraph (1);

13       **SEC. 303. AUTHORITY TO INVESTIGATE SERIAL KILLINGS.**

14           (a) *IN GENERAL.*—Chapter 33 of title 28, United  
 15           States Code, is amended by inserting after section 537 the  
 16           following:

17       **“§ 540B. Investigation of serial killings**

18           “(a) The Attorney General and the Federal Bureau of  
 19           Investigation may investigate serial killings in violation of  
 20           the laws of a State or political subdivision, when such in-  
 21           vestigation is requested by the head of a law enforcement  
 22           agency with investigative or prosecutive jurisdiction over  
 23           the offense.

24           “(b) For purposes of this section—

1           “(1) the term ‘serial killings’ means a series of  
 2           3 or more killings, at least one of which was commit-  
 3           ted within the United States, having common charac-  
 4           teristics such as to suggest the reasonable possibility  
 5           that the crimes were committed by the same actor or  
 6           actors;

7           “(2) the term ‘killing’ means conduct that would  
 8           constitute an offense under section 1111 of title 18,  
 9           United States Code, if Federal jurisdiction existed;  
 10          and

11          “(3) the term ‘State’ means a State of the United  
 12          States, the District of Columbia, and any common-  
 13          wealth, territory, or possession of the United States.”.

14          (b) The table of sections at the beginning of chapter  
 15          33 of title 28, United States Code, is amended by adding  
 16          at end the following new item:

          “540B. Investigation of serial killings.”.

17   **SEC. 304. MORGAN P. HARDIMAN CHILD ABDUCTION AND**  
 18                           **SERIAL MURDER INVESTIGATIVE RESOURCES**  
 19                           **CENTER.**

20          (a) *ESTABLISHMENT*.—Not later than 90 days after  
 21          the date of the enactment of this Act, the Attorney General  
 22          shall establish a Child Abduction and Serial Murder Inves-  
 23          tigative Resources Center to be known as the “Morgan P.  
 24          Hardiman Child Abduction and Serial Murder Investiga-

1 *tive Resources Center” (hereinafter in this section referred*  
2 *to as the “CASMIRC”).*

3       **(b) PURPOSE.**—*The purpose of this section is to estab-*  
4 *lish a Federal Bureau of Investigation Child Abduction and*  
5 *Serial Murder Investigative Resources Center managed by*  
6 *the FBI’s Critical Incident Response Group’s National Cen-*  
7 *ter for the Analysis of Violent Crime (NCAVC) and multi-*  
8 *disciplinary resource teams in FBI field offices to provide*  
9 *investigative support through the coordination and provi-*  
10 *sion of Federal law enforcement resources, training, and ap-*  
11 *plication of other multidisciplinary expertise, to assist Fed-*  
12 *eral, State, and local authorities in matters involving child*  
13 *abductions, mysterious disappearance of children, child*  
14 *homicide, and serial murder across the country. The*  
15 *CASMIRC shall be co-located with the NCAVC.*

16       **(c) DUTIES OF THE CASMIRC.**—*The CASMIRC shall*  
17 *perform such duties as the Attorney General deems appro-*  
18 *priate to carry out the purposes of the CASMIRC, including*  
19 *but not limited to—*

20               **(1)** *identifying, developing, researching, acquir-*  
21 *ing, and refining multidisciplinary information and*  
22 *specialities to provide for the most current expertise*  
23 *available to advance investigative knowledge and*  
24 *practices used in child abduction, mysterious dis-*

1        *appearance of children, child homicide, and serial*  
2        *murder investigations;*

3            (2) *providing advice and coordinating the appli-*  
4        *cation of current and emerging technical, forensic,*  
5        *and other Federal assistance to Federal, State, and*  
6        *local authorities in child abduction, mysterious dis-*  
7        *appearances of children, child homicide, and serial*  
8        *murder investigations;*

9            (3) *providing investigative support, research*  
10       *findings, and violent crime analysis to Federal, State,*  
11       *and local authorities in child abduction, mysterious*  
12       *disappearances of children, child homicide, and serial*  
13       *murder investigations;*

14           (4) *providing, if requested by a Federal, State,*  
15       *or local law enforcement agency, on site consultation*  
16       *and advice in child abduction, mysterious disappear-*  
17       *ances of children, child homicide and serial murder*  
18       *investigations;*

19           (5) *coordinating the application of resources of*  
20       *pertinent Federal law enforcement agencies, and other*  
21       *Federal entities including, but not limited to, the*  
22       *United States Customs Service, the Secret Service, the*  
23       *Postal Inspection Service, and the United States Mar-*  
24       *shals Service, as appropriate, and with the concur-*  
25       *rence of the agency head to support Federal, State,*



1        *and local law enforcement involved in child abduc-*  
2        *tion, mysterious disappearance of a child, child homi-*  
3        *cide, and serial murder investigations;*

4            *(6) conducting ongoing research related to child*  
5        *abductions, mysterious disappearances of children,*  
6        *child homicides, and serial murder, including identi-*  
7        *fication and investigative application of current and*  
8        *emerging technologies, identification of investigative*  
9        *searching technologies and methods for physically lo-*  
10       *cating abducted children, investigative use of offender*  
11       *behavioral assessment and analysis concepts, gather-*  
12       *ing statistics and information necessary for case iden-*  
13       *tification, trend analysis, and case linkages to ad-*  
14       *vance the investigative effectiveness of outstanding ab-*  
15       *ducted children cases, develop investigative systems to*  
16       *identify and track serious serial offenders that repeat-*  
17       *edly victimize children for comparison to unsolved*  
18       *cases, and other investigative research pertinent to*  
19       *child abduction, mysterious disappearance of a child,*  
20       *child homicide, and serial murder covered in this sec-*  
21       *tion;*

22            *(7) working under the Federal Bureau of Inves-*  
23        *tigation's NCAVC in coordination with the National*  
24        *Center For Missing and Exploited Children*  
25        *(NCMEC) and the Office of Juvenile Justice and De-*

1        *linquency Prevention (OJJDP) to provide appro-*  
2        *priate training to Federal, State, and local law en-*  
3        *forcement in matters regarding child abductions,*  
4        *mysterious disappearances of children, child homi-*  
5        *cides; and*

6            *(8) establishing a centralized repository based*  
7        *upon case data reflecting child abductions, mysterious*  
8        *disappearances of children, child homicides and serial*  
9        *murder submitted by State and local agencies, and an*  
10       *automated system for the efficient collection, retrieval,*  
11       *analysis, and reporting of information regarding*  
12       *CASMIRC investigative resources, research, and re-*  
13       *quests for and provision of investigative support serv-*  
14       *ices.*

15       *(d) APPOINTMENT OF PERSONNEL TO THE*  
16 *CASMIRC.—*

17            *(1) SELECTION OF MEMBERS OF THE CASMIRC*  
18        *AND PARTICIPATING STATE AND LOCAL LAW ENFORCE-*  
19        *MENT PERSONNEL.—The Director of the Federal Bu-*  
20        *reau of Investigation shall appoint the members of the*  
21        *CASMIRC. The CASMIRC shall be staffed with FBI*  
22        *personnel and other necessary personnel selected for*  
23        *their expertise that would enable them to assist in the*  
24        *research, data collection, and analysis, and provision*  
25        *of investigative support in child abduction, mysteri-*

1       ous disappearance of children, child homicide and se-  
2       rial murder investigations. The Director may, with  
3       concurrence of the appropriate State or local agency,  
4       also appoint State and local law enforcement person-  
5       nel to work with the CASMIRC.

6           (2) STATUS.—Each member of the CASMIRC  
7       (and each individual from any State or local law en-  
8       forcement agency appointed to work with the  
9       CASMIRC) shall remain as an employee of that  
10      member's or individual's respective agency for all  
11      purposes (including the purpose of performance re-  
12      view), and service with the CASMIRC shall be with-  
13      out interruption or loss of civil service privilege or  
14      status and shall be on a nonreimbursable basis, except  
15      where appropriate to reimburse State and local law  
16      enforcement for overtime costs for an individual ap-  
17      pointed to work with the resource team. Additionally,  
18      reimbursement of travel and per diem expenses will  
19      occur for State and local law enforcement participa-  
20      tion in resident fellowship programs at the NCAVC  
21      when offered.

22           (3) TRAINING.—CASMIRC personnel, under the  
23      guidance of the Federal Bureau of Investigation's Na-  
24      tional Center for the Analysis of Violent Crime and  
25      in consultation with the NCMEC, shall develop a spe-

1        *cialized course of instruction devoted to training*  
2        *members of the CASMIRC consistent with the purpose*  
3        *of this section. The CASMIRC shall also work with*  
4        *the NCMEC and OJJDP to develop a course of in-*  
5        *struction for State and local law enforcement person-*  
6        *nel to facilitate the dissemination of the most current*  
7        *multidisciplinary expertise in the investigation of*  
8        *child abductions, mysterious disappearances of chil-*  
9        *dren, child homicides, and serial murder of children.*

10        *(e) REPORT TO CONGRESS.—One year after the estab-*  
11        *lishment of the CASMIRC, the Attorney General shall pro-*  
12        *vide a report to Congress that describes the goals and activi-*  
13        *ties of the CASMIRC. The report shall also contain infor-*  
14        *mation regarding the number and qualifications of the*  
15        *members appointed to the CASMIRC, provision for equip-*  
16        *ment, administrative support, and office space for the*  
17        *CASMIRC, and projected resource needs for the CASMIRC.*

18        *(f) AUTHORIZATION OF APPROPRIATION.—There are*  
19        *authorized to be appropriated to carry out this section such*  
20        *sums as may be necessary for fiscal year 1999 and each*  
21        *of the two succeeding fiscal years.*

22        *(g) CONFORMING REPEAL.—Subtitle C of title XVII of*  
23        *the Violent Crime Control and Law Enforcement Act of*  
24        *1994 (42 U.S.C. 5776a et seq.) is repealed.*

1 **TITLE IV—RESTRICTED ACCESS**  
2 **TO INTERACTIVE COMPUTER**  
3 **SERVICE**

4 **SEC. 401. PRISONER ACCESS.**

5 *Notwithstanding any other provision of law, no agen-*  
6 *cy, officer, or employee of the United States shall imple-*  
7 *ment, or provide any financial assistance to, any Federal*  
8 *program or Federal activity in which a Federal prisoner*  
9 *is allowed access to any interactive computer service with-*  
10 *out the supervision of an official of the Government.*

11 **SEC. 402. RECOMMENDED PROHIBITION.**

12 *(a) FINDINGS.—Congress finds that—*

13 *(1) a Minnesota State prisoner, serving 23 years*  
14 *for molesting teenage girls, worked for a nonprofit*  
15 *work and education program inside the prison,*  
16 *through which the prisoner had unsupervised access to*  
17 *the Internet;*

18 *(2) the prisoner, through his unsupervised access*  
19 *to the Internet, trafficked in child pornography over*  
20 *the Internet;*

21 *(3) Federal law enforcement authorities caught*  
22 *the prisoner with a computer disk containing 280*  
23 *pictures of juveniles engaged in sexually explicit con-*  
24 *duct;*

1           (4) *a jury found the prisoner guilty of conspir-*  
2           *ing to trade in child pornography and possessing*  
3           *child pornography;*

4           (5) *the United States District Court for the Dis-*  
5           *trict of Minnesota sentenced the prisoner to 87*  
6           *months in Federal prison, to be served upon the com-*  
7           *pletion of his 23-year State prison term; and*

8           (6) *there has been an explosion in the use of the*  
9           *Internet in the United States, further placing our Na-*  
10          *tion's children at risk of harm and exploitation at the*  
11          *hands of predators on the Internet and increasing the*  
12          *ease of trafficking in child pornography.*

13          (b) *SENSE OF CONGRESS.—Congress strongly urges*  
14          *State Governors, State legislators, and State prison admin-*  
15          *istrators to prohibit unsupervised access to the Internet by*  
16          *State prisoners.*

17          **SEC. 403. SURVEY.**

18          (a) *SURVEY.—Not later than 6 months after the date*  
19          *of the enactment of this Act, the Attorney General shall con-*  
20          *duct a survey of the States to determine to what extent each*  
21          *State allows prisoners access to any interactive computer*  
22          *service and whether such access is supervised by a prison*  
23          *official.*

1       (b) *REPORT.*—*The Attorney General shall submit a re-*  
2 *port to Congress of the findings of the survey conducted pur-*  
3 *suant to subsection (a).*

4       (c) *DEFINITION.*—*For the purposes of this section, the*  
5 *term “State” means each of the 50 States and the District*  
6 *of Columbia.*